

Remarks

The applicant provides the following remarks in response to the office action bearing a mailing date of July 13, 2005. No claims were amended or cancelled, and claims 1-16 are currently pending. The applicant respectfully requests withdrawal of the pending rejections in light of the following remarks.

A. Rejections Under 35 U.S.C. § 102

The office action states that "[c]laims 1-6, 8-13 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell et al., U.S. Patent Application Publication 2005/0137530." However, the office action does not include a substantive rejection of claims 3, 5, 9, and 11 under 35 U.S.C. 102(c). Additionally, the office action includes comments regarding claims 7 and 14 under the remarks for 35 U.S.C. 102(e), but does not include a formal rejection of claims 7 and 14. The applicant requests clarification of the standing rejection of these claims. In either instance, the applicant respectfully traverses this rejection.

1. Claims 1-2, 4, and 6-7

Claim 1 sets forth a method of configuring a programmable pump that includes a combination of generating a user interface having a plurality of pages, at least one of the pages being a home page, and displaying a banner in the home page. A home page is a page that is the starting page for the user interface on the pump. See, e.g., the specification at page 10, line 14-page 12, line 7, and reference 152 on Figures 3-27.

In contrast, Campbell et al. fails to teach or suggest any such home page. Rather, Campbell et al. teaches a Blank Screen, which is displayed after a Timed-Out delay has expired. Although the Blank Screen may display at least one pixel, the pixel is "as an

indication to the user that the infusion device is powered and operational." See, e.g., paragraphs 73-74. Therefore, the Blank Screen is not a "home page" as set forth in the present claims and described in the specification.

Further, when one wants to operate the pump, Campbell et al. teaches "the individual may access up to four different screens from the Blank Screen . . . including a Main Menu screen . . . , a Set Easy Bolus screen . . . , a Set Bolus screen . . . , or a Status screen." However, there is not a starting page in Campbell et al., but rather different access points to view different screens. See, e.g., paragraph 76. Therefore, Campbell et al. does not include any teaching that the Blank Screen or any other screens provide a starting page for a user interface. Claim 1 is patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

Claims 2, 4, and 6-7 are dependent claims and so are also believed to be allowable over the art of record. The applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

2. Claims 8, 10, and 12-14

Claim 8 sets forth a pump with memory storing a banner and a processor programmed to display the banner. A banner can be any user-defined information such as the ownership information of the pump, medical information about the pump user, the patient's telephone number, and/or combination of any like information. See, e.g., the specification at page 11, line 11-19, and Figures 2 and 30E.

In contrast, Campbell et al. fails to teach or suggest any such banner. The office action cites Figures 16, 22 etc. However, these figures and related passages in the detailed description merely disclose display screens for system status information, not a banner for user-defined information of the present invention. The fields in these display screens are pre-defined. For example, Campbell et al. discloses an Insulin Type screen "with a list of insulin formulation concentrations along with the type of reservoir (pre-filled or user-filled)." This list is for an individual to select the reservoir type along with the insulin type. See, e.g., paragraph 106, and Figures 16 and 22. Each item on the list of the Insulin Type screen is system static information for the individual to select, not the banner of the present invention which can be any user-defined information.

Therefore, claim 8 is patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

Claims 10 and 12-14 are dependent claims and so are also believed to be allowable over the art of record. The applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

3. Claims 15 and 16

Claims 15 and 16 both set forth a pump having a processor programmed to (a) generate a user interface having a plurality of pages, at least one of the pages being a home page, (b) retrieve a banner from the data port, (c) store the banner in memory, and (d) display the banner in the home page. As discussed above, Campbell et al. fails to disclose a user interface having a home page and a pump having a banner. Therefore,

claims 15 and 16 are patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

B. Rejections Under 35 U.S.C. § 103

Claims 3, 5, 9, and 11 stand rejected as being obvious over Campbell et al. in view of Estes et al., U.S. Patent Application Publication 2003/0114836. The applicant respectfully traverses this rejection.

Claims 3 and 5 depends from claim 1 and includes all of the elements of claim 1, which is patentable because of at least the reasons stated above. Similarly, claims 9 and 11 depend from claim 8 and include all of the elements of claim 8, which is patentable because of at least the reasons stated above. The applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

The applicant respectfully requests reconsideration and withdrawal of the pending rejection.

C. Examiner's Response to Arguments Filed On 4/19/05

The Examiner has not been convinced that Malave et al. fails to teach a home page and alleges that Figure 14 contains a starting page from which all other reports are viewed though the arrow keys and can be seen as a home page. The applicant respectfully disagrees and submits that Figure 14 and related passages in the detailed description merely disclose the general display structure used by the reports. See, e.g., paragraphs 83-84. The general display structure is not a "home page" as set forth in the present claims and described in the specification. Further, Malave et al. does not include

any teaching that the general display structure provides a starting page for the user interface or for a user interface on a pump.

Therefore, claims 1-7 are patentably distinct from Malave et al., and the applicant respectfully requests withdrawal of the pending rejection.

D. Conclusion

In light of the above remarks, the applicant respectfully submits that the pending claims are patentably distinct from the cited references, and request withdrawal of the pending rejection. The applicant notes that there may be other reasons that then pending claims are patentably distinct in addition to those presented herein and reserves the right to raise any such arguments in the future.

Please call the undersigned attorney if there are any questions or if it would be helpful to discuss any issues during the examination of this application.

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